

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

Abulay Nian,

Case No. 3:22-cv-00778

Petitioner,

JUDGE PAMELA A. BARKER

-vs-

Magistrate Judge James E. Grimes, Jr.

Merrick Garland,

Respondent.

**MEMORANDUM OF OPINION AND
ORDER**

This matter is before the Court upon the Report and Recommendation of Magistrate Judge James E. Grimes, Jr., which recommends granting Respondent's motion to dismiss this case for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. (Doc. No. 12.) No objections have been filed. For the reasons that follow, the Report and Recommendation is ACCEPTED.

STANDARD OF REVIEW

When objections are made to a Magistrate Judge's Report and Recommendation, the district court reviews the case *de novo*. Federal Rule of Civil Procedure 72(b)(3) provides in pertinent part:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

As stated in the Advisory Committee Notes, "[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." In *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the Court held, "[i]t does not appear

that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."

DECISION

This Court, having reviewed the Report and Recommendation and finding no clear error, accepts the Magistrate Judge's Report and Recommendation. The Court hereby grants Respondent's Motion to Dismiss (Doc. No. 10) for the reasons stated by the Magistrate Judge in the Report and Recommendation, which is incorporated herein by reference. The case is hereby dismissed.

IT IS SO ORDERED.

Date: February 9, 2023

s/Pamela A. Barker
PAMELA A. BARKER
U. S. DISTRICT JUDGE